

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

MICHAEL WILLIAMS,

Plaintiff,

v.

DWIGHT W. NEVEN, *et al.*,

Defendants.

Case No. 2:15-cv-01327-GMN-NJK

**ORDER**

**I. DISCUSSION**

On June 16, 2016, the Court issued a screening order dismissing Plaintiff's Eighth Amendment and First Amendment claims without prejudice, with leave to amend, dismissing his Fourteenth Amendment claim relating to his transfer with prejudice, and allowing Plaintiff to proceed on his Fourteenth Amendment claim related to his administrative segregation against Defendants Neven, Nash, Fillman, Stroud, Treadwell, and Howell. (ECF No. 8 at 8). The Court granted Plaintiff 30 days from the date of that order to file a second amended complaint curing the deficiencies on his Eighth Amendment and First Amendment claims. (*Id.*). The Court specifically stated that if Plaintiff chose not to file a second amended complaint, the action would proceed on the Fourteenth Amendment claim related to administrative segregation only. (*Id.* at 9). On July 13, 2016, Plaintiff filed a motion to proceed indicating that he did not wish to file a second amended complaint. (ECF No. 9) Pursuant to the screening order and Plaintiff's motion, Plaintiff's motion is granted and this action shall proceed on the Fourteenth Amendment claim related to administrative segregation against Defendants Neven, Nash, Fillman, Stroud, Treadwell, and Howell.

1 **II. CONCLUSION**

2 For the foregoing reasons, **IT IS ORDERED** that Plaintiff's motion to proceed (ECF No.  
3 9) is **GRANTED**.

4 **IT IS FURTHER ORDERED** that, pursuant to the Court's screening order (ECF No. 8),  
5 this action shall proceed on the Fourteenth Amendment claim relating to administrative  
6 segregation against Defendants Neven, Nash, Fillman, Stroud, Treadwell, and Howell.

7 **IT IS FURTHER ORDERED** that, given the nature of the claim(s) that the Court has  
8 permitted to proceed, this action is **STAYED** for ninety (90) days to allow Plaintiff and  
9 Defendant(s) an opportunity to settle their dispute before the \$350.00 filing fee is paid, an  
10 answer is filed, or the discovery process begins. During this ninety-day stay period, no other  
11 pleadings or papers shall be filed in this case, and the parties shall not engage in any  
12 discovery. The Court will refer this case to the Court's Inmate Early Mediation Program, and  
13 the Court will enter a subsequent order. Regardless, on or before ninety (90) days from the  
14 date this order is entered, the Office of the Attorney General shall file the report form attached  
15 to this order regarding the results of the 90-day stay, even if a stipulation for dismissal is  
16 entered prior to the end of the 90-day stay. If the parties proceed with this action, the Court  
17 will then issue an order setting a date for Defendants to file an answer or other response.  
18 Following the filing of an answer, the Court will issue a scheduling order setting discovery and  
19 dispositive motion deadlines.

20 **IT IS FURTHER ORDERED** that "settlement" may or may not include payment of  
21 money damages. It also may or may not include an agreement to resolve Plaintiff's issues  
22 differently. A compromise agreement is one in which neither party is completely satisfied with  
23 the result, but both have given something up and both have obtained something in return.

24 **IT IS FURTHER ORDERED** that, if the case does not settle, Plaintiff will be required  
25 to pay the full \$350.00 filing fee. This fee cannot be waived. If Plaintiff is allowed to proceed  
26 *in forma pauperis*, the fee will be paid in installments from his prison trust account. 28 U.S.C.  
27 § 1915(b). If Plaintiff is not allowed to proceed *in forma pauperis*, the \$350.00 will be due  
28 immediately.

1 IT IS FURTHER ORDERED that, if any party seeks to have this case excluded from the  
2 inmate mediation program, that party shall file a "motion to exclude case from mediation" no  
3 later than August 9, 2016. The responding party shall have seven (7) days to file a response.  
4 No reply shall be filed. Thereafter, the Court will issue an order, set the matter for hearing, or  
5 both.

6 IT IS FURTHER ORDERED that the Clerk of the Court shall electronically **SERVE** a  
7 copy of this order, the amended screening order (ECF No. 8) and a copy of Plaintiff's  
8 amended complaint (ECF No. 5) on the Office of the Attorney General of the State of Nevada,  
9 attention Kat Howe.

10 IT IS FURTHER ORDERED that the Attorney General's Office shall advise the Court,  
11 no later than August 9, 2016, whether it will enter a limited notice of appearance on behalf of  
12 Defendants for the purpose of settlement. No defenses or objections, including lack of  
13 service, shall be waived as a result of the filing of the limited notice of appearance.

14 DATED: This 19th day of July, 2016.

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19 NANCY J. KOPPE  
20 United States Magistrate Judge  
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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

Plaintiff,

v.

Defendants.

REPORT OF ATTORNEY GENERAL  
RE: RESULTS OF 90-DAY STAY

**NOTE: ONLY THE OFFICE OF THE ATTORNEY GENERAL SHALL FILE THIS FORM. THE INMATE PLAINTIFF SHALL NOT FILE THIS FORM.**

On \_\_\_\_\_ [the date of the issuance of the screening order], the Court issued its screening order stating that it had conducted its screening pursuant to 28 U.S.C. § 1915A, and that certain specified claims in this case would proceed. The Court ordered the Office of the Attorney General of the State of Nevada to file a report ninety (90) days after the date of the entry of the Court's screening order to indicate the status of the case at the end of the 90-day stay. By filing this form, the Office of the Attorney General hereby complies.

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**REPORT FORM**

[Identify which of the following two situations (identified in bold type) describes the case, and follow the instructions corresponding to the proper statement.]

**Situation One: Mediated Case: The case was assigned to mediation by a court-appointed mediator during the 90-day stay.** [If this statement is accurate, check **ONE** of the six statements below and fill in any additional information as required, then proceed to the signature block.]

\_\_\_\_\_ A mediation session with a court-appointed mediator was held on \_\_\_\_\_ [enter date], and as of this date, the parties have reached a settlement (even if paperwork to memorialize the settlement remains to be completed). (If this box is checked, the parties are on notice that they must **SEPARATELY** file either a contemporaneous stipulation of dismissal or a motion requesting that the Court continue the stay in the case until a specified date upon which they will file a stipulation of dismissal.)

\_\_\_\_\_ A mediation session with a court-appointed mediator was held on \_\_\_\_\_ [enter date], and as of this date, the parties have not reached a settlement. The Office of the Attorney General therefore informs the Court of its intent to proceed with this action.

1 \_\_\_\_\_ No mediation session with a court-appointed mediator was held during the 90-  
 2 day stay, but the parties have nevertheless settled the case. *(If this box is*  
 3 *checked, the parties are on notice that they must SEPARATELY file a*  
 4 *contemporaneous stipulation of dismissal or a motion requesting that the Court*  
*continue the stay in this case until a specified date upon which they will file a*  
*stipulation of dismissal.)*

5 \_\_\_\_\_ No mediation session with a court-appointed mediator was held during the 90-  
 6 day stay, but one is currently scheduled for \_\_\_\_\_ *[enter date]*.

7 \_\_\_\_\_ No mediation session with a court-appointed mediator was held during the 90-  
 8 day stay, and as of this date, no date certain has been scheduled for such a  
 9 session.

10 \_\_\_\_\_ None of the above five statements describes the status of this case.  
 11 Contemporaneously with the filing of this report, the Office of the Attorney  
 12 General of the State of Nevada is filing a separate document detailing the status  
 13 of this case.

14 \* \* \* \* \*

15 **Situation Two: Informal Settlement Discussions Case: The case was NOT assigned to**  
 16 **mediation with a court-appointed mediator during the 90-day stay; rather, the parties**  
 17 **were encouraged to engage in informal settlement negotiations.** [If this statement is  
 18 accurate, check **ONE** of the four statements below and fill in any additional information as  
 19 required, then proceed to the signature block.]

20 \_\_\_\_\_ The parties engaged in settlement discussions and as of this date, the parties  
 21 have reached a settlement *(even if the paperwork to memorialize the settlement*  
 22 *remains to be completed)*. *(If this box is checked, the parties are on notice that*  
 23 *they must SEPARATELY file either a contemporaneous stipulation of dismissal*  
 24 *or a motion requesting that the Court continue the stay in this case until a*  
 25 *specified date upon which they will file a stipulation of dismissal.)*

26 \_\_\_\_\_ The parties engaged in settlement discussions and as of this date, the parties  
 27 have not reached a settlement. The Office of the Attorney General therefore  
 28 informs the Court of its intent to proceed with this action.

\_\_\_\_\_ The parties have not engaged in settlement discussions and as of this date, the  
 parties have not reached a settlement. The Office of the Attorney General  
 therefore informs the Court of its intent to proceed with this action.

\_\_\_\_\_ None of the above three statements fully describes the status of this case.  
 Contemporaneously with the filing of this report, the Office of the Attorney  
 General of the State of Nevada is filing a separate document detailing the status  
 of this case.

Submitted this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ by:

Attorney Name: \_\_\_\_\_  
 \_\_\_\_\_ Print \_\_\_\_\_ Signature

Address: \_\_\_\_\_ Phone: \_\_\_\_\_

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